

Part One

Basic Instructions

The following pages summarize the basic requirements of consular notification and access in a format designed to be distributed or posted as readily accessible instructions or notices to all federal, state, or local officials who may, in the performance of their official functions, have contact with a foreign national in a situation triggering a requirement to notify the foreign national's consular officials. Also included are suggested notification statements to be given to a detained foreign national, a suggested fax notification to be transmitted to a detained foreign national's consular officials, and samples of identification cards that a consular official may present when seeking access to a detained foreign national.

These basic instructions and implementation tools, which may be freely photocopied and posted as notices, include:

- **Summary of Requirements Pertaining to Foreign Nationals**
- **Steps To Follow When a Foreign National Is Arrested or Detained**
- **Mandatory Notification Countries and Jurisdictions**
- **Suggested Statements to Arrested or Detained Foreign Nationals**
 1. **When Consular Notification is at the Foreign National's Option**
 2. **When Consular Notification is Mandatory**
- **Suggested Fax Sheet for Notifying Consular Officers of Arrests or Detentions**
- **Consular Identification Cards**

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Summary of Requirements Pertaining to Foreign Nationals

1. When foreign nationals are arrested or detained, they must be advised of the right to have their consular officials notified.
2. In some cases, the nearest consular officials *must* be notified of the arrest or detention of a foreign national, **regardless of the national's wishes.**
3. Consular officials are entitled to access to their nationals in detention, and are entitled to provide consular assistance.
4. When a government official becomes aware of the death of a foreign national, consular officials must be notified.
5. When a guardianship or trusteeship is being considered with respect to a foreign national who is a minor or incompetent, consular officials must be notified.
6. When a foreign ship or aircraft wrecks or crashes, consular officials must be notified.

These are mutual obligations that also pertain to American citizens abroad. In general, you should treat a foreign national as you would want an American citizen to be treated in a similar situation in a foreign country. This means prompt, courteous notification to the foreign national of the possibility of consular assistance, and prompt, courteous notification to the foreign national's nearest consular officials so that they can provide whatever consular services they deem appropriate.

Steps To Follow When a Foreign National Is Arrested or Detained

1. Determine the foreign national's country. In the absence of other information, assume this is the country on whose passport or other travel document the foreign national travels.
2. If the foreign national's country is **not** on the mandatory notification list on the next page:
 - Offer, without delay, to notify the foreign national's consular officials of the arrest/detention. For a suggested statement to the foreign national, see page 7 (Statement 1). Translations of the statement into selected foreign languages are in Part Four of this booklet.
 - If the foreign national asks that consular notification be given, notify the nearest consular officials of the foreign national's country without delay. For phone and fax numbers for foreign embassies and consulates in the United States, see Part Six of this booklet. A suggested fax sheet for making the notification is on page 9.
3. If the foreign national's country **is** on the list of mandatory notification countries on the next page:
 - Notify that country's nearest consular officials, without delay, of the arrest/detention. Phone and fax numbers are in Part Six, and you may use the suggested fax sheet on page 9 for making the notification.
 - Tell the foreign national that you are making this notification. A suggested statement to the foreign national is found on page 7 (Statement 2), and translations into selected languages are in Part Four.
4. Keep a written record of the provision of notification and actions taken.

Mandatory Notification Countries and Jurisdictions

Antigua and Barbuda
Armenia
Azerbaijan
Bahamas, The
Barbados
Belarus
Belize
Brunei
Bulgaria
China¹
Costa Rica
Cyprus
Czech Republic
Dominica
Fiji
Gambia, The
Georgia
Ghana
Grenada
Guyana
Hong Kong²
Hungary
Jamaica
Kazakhstan
Kiribati
Kuwait
Kyrgyzstan

Malaysia
Malta
Mauritius
Moldova
Mongolia
Nigeria
Philippines
Poland (non-permanent residents only)
Romania
Russia
Saint Kitts and Nevis
Saint Lucia
Saint Vincent and the Grenadines
Seychelles
Sierra Leone
Singapore
Slovakia
Tajikistan
Tanzania
Tonga
Trinidad and Tobago
Turkmenistan
Tuvalu
Ukraine
United Kingdom³
U.S.S.R.⁴
Uzbekistan
Zambia
Zimbabwe

¹Notification is not mandatory in the case of persons who carry “Republic of China” passports issued by Taiwan. Such persons should be informed without delay that the nearest office of the Taipei Economic and Cultural Representative Office (“TECRO”), the unofficial entity representing Taiwan’s interests in the United States, can be notified at their request.

² Hong Kong reverted to Chinese sovereignty on July 1, 1997, and is now officially referred to as the Hong Kong Special Administrative Region, or “SAR.” Under paragraph 3(f)(2) of the March 25, 1997, U.S.-China Agreement on the Maintenance of the U.S. Consulate General in the Hong Kong Special Administrative Region, U.S. officials are required to notify Chinese officials of the arrest or detention of the bearers of Hong Kong pass-

ports in the same manner as is required for bearers of Chinese passports — *i.e.*, immediately, and in any event within four days of the arrest or detention.

³ British dependencies also covered by this agreement are Anguilla, British Virgin Islands, Bermuda, Montserrat, and the Turks and Caicos Islands. Their residents carry British passports.

⁴ Although the U.S.S.R. no longer exists, some nationals of its successor states may still be traveling on its passports. Mandatory notification should be given to consular officers for all nationals of such states, including those traveling on old U.S.S.R. passports. The successor states are listed separately above.

verso mandatory country list

Suggested Statements to Arrested or Detained Foreign Nationals

Statement 1:

When Consular Notification Is at the Foreign National's Option (For Translations, See Part Four)

As a non-U.S. citizen who is being arrested or detained, you are entitled to have us notify your country's consular representatives here in the United States. A consular official from your country may be able to help you obtain legal counsel, and may contact your family and visit you in detention, among other things. If you want us to notify your country's consular officials, you can request this notification now, or at any time in the future. After your consular officials are notified, they may call or visit you. Do you want us to notify your country's consular officials?

Statement 2:

When Consular Notification is Mandatory (For Translations, See Part Four)

Because of your nationality, we are required to notify your country's consular representatives here in the United States that you have been arrested or detained. After your consular officials are notified, they may call or visit you. You are not required to accept their assistance, but they may be able to help you obtain legal counsel and may contact your family and visit you in detention, among other things. We will be notifying your country's consular officials as soon as possible.

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Suggested Fax Sheet for Notifying Consular Officers of Arrests or Detentions

Date: _____

Time: _____

To: Embassy of _____, Washington, D.C.
or

Consulate of _____, _____, _____
(Country) (City) (State)

From: Name: _____

Office: _____

Street Address: _____

City: _____

State: _____

ZIP Code: _____

Telephone: (____) _____

Fax: (____) _____

Subject: NOTIFICATION OF ARREST/DETENTION OF A NATIONAL OF YOUR COUNTRY

We arrested/detained the following foreign national, whom we understand to be a national of your country, on _____, _____.

Mr./Ms. _____

Date of birth: _____

Place of birth: _____

Passport number: _____

Date of passport issuance: _____

Place of passport issuance: _____

To arrange for consular access, please call _____ between the hours of _____ and _____. Please refer to case number _____ when you call.

Comments:

verso of 9 (fax sheet)

Identification Card sheet (p.1)

page 2 of identification cards